

## CPYRGHT How Free Is Information?

Hosannas went up when President Johnson signed the freedom of information law on July 4, 1967. As often before and since, Mr. Johnson was his own cheerleader. "Freedom of information," he declared, "is so vital that only the national security, not the desire of public officials or private citizens, should determine when it must be restricted." This was all very well as sloganeering, but in governmental practice information remains as needlessly restricted as ever. Many officials act as if they had never heard of the law or as if they had the right to veto it at will.

A current illustration is Robert F. Kennedy's personal account of the 1962 missile crisis. This 21,000-word memoir, sold for more than \$1 million, gives a comprehensive idea of the feelings of the inner power circle as the United States drew close to a nuclear conflict with the Soviet Union. It tells what was said and who said it. Yet so far it has proved impossible to shake loose the report of the four-man committee (Gen. Maxwell D. Taylor, chairman; Allen W. Dulles, director of the CIA; Robert F. Kennedy, Attorney General; Admiral Arleigh Burke, chief of naval operations) appointed by President Kennedy to survey the whole Bay of Pigs fiasco, to find out what went wrong and what might be done to prevent a recurrence. The Taylor report would reveal how good the military advice of the Joint Chiefs of Staff actually was, and likewise the perspicacity or lack of it displayed by the CIA in the intelligence field. Nothing could be more important, but six years after the event the public is still denied this vital information.

One difficulty is that no appeals procedure is established under the law. Such a procedure could presumably be established by Executive action. All it requires are the appointment of an official in the Executive office to whom appeals could be addressed, and the publication of regulations setting forth the procedure for doing so. The publicity attendant on such protocols would in itself have a salutary effect.

As it is, individuals and corporations must resort to the slow, cumbersome and expensive procedure of suing the government to force the release of documents or data which they wish to use. Thirty such cases are pending. Almost all of them involve material economically valuable for private use. An important exception is the suit brought in July, 1968, by Consumers Union for the purpose of gaining public access to evaluations in federal agency files as to the quality of consumer goods and services (information derived from government research at the taxpayers' expense). The specific complaint in the Consumers Union suit is directed against the Veterans Administration, which has refused to reveal the results of tests done for it on various brands and models of hearing aids.

It would be a great help in the current situation if reporters and other media personnel would make maximum use of the law as it stands, demanding the rights it provides, harassing the delinquent government agencies until they were persuaded that revelation is preferable to the angry buzz of frustration. When the media are refused information, they should at least publicize the fact. In some cases, this in itself will produce a more liberal response from government bodies, and the attitude may spread from one agency to another, somewhat improving the overall situation.

Apparently all three Presidential candidates have given approval in principle to appointment of an appeals official of the type suggested. The winner should not be allowed to forget this commitment.

FOIAb3b